

## **REMARKS**

Applicant has carefully reviewed the Office Action dated April 9, 2010. Applicant has amended Claims 1 and 11 to more clearly point out the present inventive concept. Claims 21-25 have been withdrawn. Claims 1-20 are pending in the application. Reconsideration and favorable action is respectfully requested.

### **Double Patenting Rejection**

Claims 1-9 and 11-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,868,433 in view of *Durst Jr. et al.* (US 2001/0011276, hereinafter *Durst*). A Terminal Disclaimer is submitted concurrently with this response with respect to U.S. Patent No. 6,868,433.

Claims 1-9 and 11-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,754,698 in view of *Durst*. A Terminal Disclaimer is submitted concurrently with this response with respect to U.S. Patent No. 6,754,698.

### **Claims Rejection – 35 U.S.C. § 103**

Claims 1-9, 11-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Van Ryzin* (US 2002/0059241, hereinafter *Van Ryzin*), in view of *Durst*. This rejection is respectfully traversed.

Claim 1 has been amended to include the features of “scanning a machine recognizable code (MRC) to obtain MRC information using the remote control device in response to the user pressing a first button of the remote control device”, “storing the MRC information within a

memory of the remote control device”, “providing an indication to the user by the remote control device in response to a successful scan of the MRC”, and “in response to the user pressing a second button of the remote control device:”, “forming a representation of the machine recognizable code (MRC) information contained within the MRC, the representation of the MRC having no network address routing information contained therein” and “wirelessly transmitting the representation of the MRC information contained within the MRC to a network interface device.” Support for these amendments may be found in at least paragraphs [0150] and [0152] of the application as originally filed. Applicant respectfully submits that *Van Ryzin* in view of *Durst* fails to teach or suggest the features of Claim 1 as amended. In particular, Applicant respectfully submits that neither *Van Ryzin* nor *Durst* teach or suggest the feature of Claim 1 as amended of “providing an indication to the user by the remote control device in response to a successful scan of the MRC.” *Van Ryzin* describes an optical scanner 10e coupled to a computer 10 which is used to optically scan a UPC bar code, which is then converted into a product code number 40 by client software running on the computer 10. *Durst* describes allowing a user to scan a bar code which may be encoded with a URL a scanner enhanced remote control unit 10 and transmit the scanned image to a television 20 or set-top conversion unit 20a. However, neither *Van Ryzin* nor *Durst* teach providing an indication to a user by a remote control device that a machine-readable code has been successfully scanned. In view of the foregoing, Applicant respectfully submits that Claim 1 is allowable over the cited references and requests that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

Claim 11 includes features similar to those found in Claim 1. In particular, Claim 11 includes the feature of “an indicator for providing an indication to the user by the remote control device in response to a successful scan of the MRC.” Applicant respectfully submits that Claim 11 is allowable for analogous reasons as those discussed with respect to Claim 1 and requests that the 35 U.S.C. § 103(a) rejection of Claim 11 be withdrawn. Claims 2-9 and 11-19 are dependent upon and include the features of Claims 1 and 11, respectfully. In view of the foregoing, Applicant respectfully requests that the 35 U.S.C. § 103 rejections of Claims 2-9 and 11-19 be withdrawn.

Claims 10 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Van Ryzin* and *Durst*, and further in view of *Schumacher et al.* (US 6,038,664, hereinafter *Schumacher*). This rejection is respectfully traversed.

Claims 10 and 20 are dependent upon and include the features of Claims 1 and 11, respectively. As discussed hereinabove, *Van Ryzin* and *Durst* fail to teach or suggest the aforescribed features of Claim 1 and 11. Applicant respectfully submits that *Schumacher* also fails to teach or suggest these features. In view of the foregoing, Applicant respectfully requests that the 35 U.S.C. § 103 rejections of Claims 10 and 20 be withdrawn.

### **Conclusion**

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/RPXC-26,630 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
HOWISON & ARNOTT, L.L.P.  
Attorneys for Applicant

/Michael W. Maddox Reg. #47764/

Michael W. Maddox  
Registration No. 47,764

GMH/MM/sjg

P.O. Box 741715  
Dallas, Texas 75374-1715  
Tel: 972-479-0462  
Fax: 972-479-0464  
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